

## **Exhibit 7**

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of  
Plaintiffs' Opposition to Defendants' Joint Motion for Partial Summary Judgment

Sacramento, CA

Page 394

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

-----x

IN RE PHARMACEUTICAL INDUSTRY)

AVERAGE WHOLESALE PRICE )

LITIGATION )

\_\_\_\_\_)

THIS DOCUMENT RELATES TO ) MDL No. 1456

State of California, ex rel. ) Civil Action:

Ven-A-Care v. Abbott ) 01-12258-PBS

Laboratories, Inc., et al. )

-----x

VOL. II

--oOo--

MONDAY, SEPTEMBER 22, 2008

--oOo--

VIDEOTAPED DEPOSITION OF

J. KEVIN GOROSPE, Pharm.D.

--oOo--

Reported By: CAROL NYGARD DROBNY, CSR No. 4018

Registered Merit Reporter

Sacramento, CA

Page 698

1 Q. Do you have an understanding of the  
2 magnitude -- difference between actual acquisition  
3 costs and AWP's for the drugs that are in the  
4 California Complaint?

5 MR. BENNETT: Objection to form.

6 THE WITNESS: No, I don't.

7 BY MR. PAUL:

8 Q. At any time in your career at DHCS have  
9 you ever received any communication of any sort  
10 from Mylan explaining the differences between the  
11 AWP's it reports and providers' actual acquisition  
12 costs?

13 A. Not that I can recall.

14 Q. At any time in your career at DHCS have  
15 you ever received any communication of any sort  
16 from Sandoz explaining the differences between the  
17 actual acquisition costs for its drugs and Sandoz's  
18 reported AWP's?

19 A. Not that I can recall.

20 Q. I won't restate the question each time,  
21 but the same question regarding Dey  
22 Pharmaceuticals?

1           A.    Not that I recall -- not that I can  
2 recall, no.

3           Q.    And Warrick?

4           A.    Again, the answer is no.

5           Q.    Schering?

6           A.    No.

7           Q.    Counsel for Sandoz showed you a letter  
8 addressed to Gail Margolis dated December 13th,  
9 2004. I think for the record that's Exhibit 58.

10           MS. BERWANGER: Objection to form. I  
11 don't believe I showed him that.

12           MR. PAUL: I'm sorry?

13           MS. BERWANGER: I don't believe I showed  
14 him that exhibit.

15           MR. PAUL: Do I have the wrong number?

16           I'm sorry, counsel. I'm sorry.

17 BY MR. PAUL:

18           Q.    Counsel for Warrick showed you a letter  
19 addressed to Gail Margolis, and it's marked as  
20 Exhibit 58, and I think Mr. Bennett also showed you  
21 Exhibit 60.

22           No?